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E.O. 12958: DECL: 01/10/2017  
TAGS: PGOV PHUM PREL OSCE TU  
SUBJECT: TURKISH PROSECUTOR INVESTIGATES CHILDREN'S CHOIR  
FOR SINGING IN KURDISH LANGUAGE IN U.S.

Classified By: Political Counselor Janice G. Weiner, reasons 1.4(b), (d)

¶1. (U) This is a joint Embassy Ankara-Consulate Adana cable.

¶2. (SBU) Summary: A Diyarbakir prosecutor's office may file charges shortly against fourteen local children, ages 12-17, for singing the Kurdish Regional Government (KRG) anthem at a US music festival. The prosecutor recently completed an investigation into the children's choir from the southeastern city of Diyarbakir and is now determining whether to indict them under a provision of Turkey's Anti-Terror Law that prohibits propaganda on behalf of an illegal organization. An attorney for the children believes that, absent outside intervention, charges almost certainly will be filed. End summary.

¶3. (SBU) The San Francisco International Music Festival sponsored fourteen children from Diyarbakir's Yenisehir Children's Choir to perform in October 2007. The children, ages 12-17, sang songs in eight different languages, including a Kurdish song titled "Ey Raqip" (interpreted both as "Hey Enemy" and "Hey Rival"), that is considered to be the KRG anthem. Ey Raqip was penned in 1938 by an Iranian Kurdish poet and is generally popular among all Kurds. Regardless of age, the song's resolute phrases such as, "Kurds' flag is waving and it will never fall" are provocative to those who profess to fear separatism.

¶4. (SBU) Diyarbakir prosecutor Ahmet Karaca recently completed an investigation into the children's alleged violation of Article 7/2 of the Anti-Terror Law, for "promulgating propaganda on behalf of an illegal organization" -- presumably the PKK. Karaca told the press he had asked the municipality to identify the children and teachers who participated. The prosecutor's office is now considering whether to formally indict the participants.

¶5. (SBU) Baran Pamuk, one of the children's lawyers, told us he strongly believes the prosecutor will soon press charges. If convicted, the minors could face sentences ranging from one to five years, according to Pamuk. He and his legal team are considering possible defenses.

¶6. (C) Comment: This latest investigation highlights the nationalist zealousness of Turkey's prosecutors. These are children. But the prosecutor has likely zeroed in on their singing of the KRG anthem, and the (nebulous) threat he and

others like him perceive that Kurdish entity represents to Turkey's territorial integrity. The irony is all the greater, given that the PM and opposition leaders were just in Diyarbakir in the aftermath of the January 3 bombing, talking about expanded Kurdish language courses and pursuing a comprehensive approach to solving the Kurdish problem. If the prosecutor's office proceeds, many, including opponents of Turkey's EU accession, will see it as further evidence that Turkey has not absorbed Western principles of free speech; the KRG will take note as well. Given that charges may be filed imminently, the window to turn off potential prosecution is short.

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